

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD A. MAJOR,

Plaintiff

v.

C-1-10-530

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 12) to which neither party has objected.

Upon a ***de novo*** review of the record, the Court finds that the Magistrate Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. This Court accepts the Report as uncontroverted. The Report and Recommendation is **ADOPTED AND INCORPORATED** herein.

Accordingly, for the reasons stated in the Report and Recommendation (doc. no. 12) the Court finds the ALJ's analysis is unsupported by substantial evidence. The decision of the Commissioner to deny plaintiff SSI benefits is **REVERSED**. This matter is **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g). On remand, the ALJ is instructed to: (1) carefully adhere to the regulations requiring the sequential determination of disability pursuant to 20 C.F.R. §416.920 prior to analysis of substance abuse issues under 20 C.F.R. §416.935; and (2) remedy the errors identified in the Report and Recommendation concerning the weight to be given to the opinions of plaintiff's treating physician, as well as the weight given to the opinions of non-examining consulting physicians.

This matter is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court